IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No.2 of 2007
in
Writ Petition No.161 of 2006

Marine Drive (GHEF) Residents
Welfare Assocaition ..... Petitioners
vs
State of Maharashtra and ors . .... Respondents

Mr. Pradeep Mandhyan with S.Saluja for V.K Tiwari for applicants-petitioners.
Mr.K.K. Singhvi senior advocate with Ms Shobha Ajitkumar BMC respondents.
Mr. Niranjan Pandit AGP for State.

CORAM: SWATANTER KUMAR,C.J.,&
S.C.DHARMADHIKARI, J.

DATE: June 20th, 2007.

P.C.:-

This is an application filed by the petitioner-applicant for recalling of the order dated 21st December 2006 and for restoration of the petition to its original position.

Having perused the order dated 21st December 2006 we are of the considered view that this application need not be allowed. Be that as it may. At the outset it may be noticed that even as per the applicants it is a recurring cause of action. However, the time taken in approaching the court and before the matter could be heard, subsequent exhibition cum sales etc. are over and thus the petitioner's grievance in fact is

not looked into by the Corporation much less it being a decision of the Corporation or the courts of competent jurisdiction, there is no merit in the prayer made for restoration of the petition as the petition has already rendered infructuous. But we grant liberty to the petitioner to move the Corporation by way of a representation, despite the fact that there was exhibition cum sale and the Corporation may take a position decision in that behalf. If such a representation is made within four weeks from today, order thereon shall be made within four weeks thereafter.

CHIEF JUSTICE

S.C.DHARMADHIKARI,J.